

**MAY 9 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON  
U.S. COURT OF APPEALS**

MARCIANO PANGILINAN DIMACALI,

Petitioner,

v.

IMMIGRATION AND NATURALIZATION  
SERVICE,

Respondent.

No. 02-71489

INS No. A70-670-979

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Argued and Submitted May 6, 2003  
Pasadena, California

Before: B. FLETCHER, SILVERMAN, Circuit Judges, and MARTONE, District  
Judge.\*\*

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* The Hon. Frederick J. Martone, United States District Judge for the District of Arizona, sitting by designation.

Marciano Pangilinan Dimacali, a native and citizen of the Philippines, petitions this court to reverse the decision of the Board of Immigration Appeals (“BIA”) that he is ineligible for asylum, 8 U.S.C. § 1101(a)(42)(A), and for withholding of deportation. We must uphold the BIA’s decision if it is supported by substantial evidence. *See INS v. Elias-Zacharias*, 502 U.S. 478, 479 (1992).

The evidence does not compel the conclusion that Dimacali suffered persecution or has a well founded fear of persecution because after his abduction, he was able to live safely in Manila for a year and his wife and children were able to continue residing safely in Baguio City. *Cf. Prasad v. INS*, 47 F.3d 336, 339-40 (1995). Similarly, the BIA reasonably determined that Dimacali had not established an entitlement to withholding of deportation pursuant to 8 U.S.C. § 1231(b)(3)(A). *See Navas v. INS*, 217 F.3d 646, 655 (9th Cir. 2000).

**PETITION DENIED.**